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L A W S

OF THE

STATE OF ILLINOIS,

PASSED BY THE

SIXTEENTH GENERAL ASSEMBLY,

AT

THE SECOND SESSION,

COMMENCING OCTOBER 22, 1849.

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SPRINGFIELD:

CHARLES H. LANPHIER, PUBLIC PRINTER.

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1849.





# L A W S O F 1849.

AN ACT making appropriations to pay the expenses of the present session of the In force No. General Assembly. 5. 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following appropriations be, and the same are hereby, made to pay the expenses of the present session of the general assembly.

§ 2. To the speaker of the senate and house of representatives, each, the sum of three dollars per day for each day's attendance. To speakers.

§ 3. To each member of the senate and house of representatives, the sum of two dollars per day for each day's attendance. To members.

§ 4. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, ten cents per mile for each necessary mile's travel, in going to and returning from the seat of government. Mileage.

§ 5. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each, the sum of four dollars per day. Secretaries and clerks.

§ 6. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and the doorkeeper and assistant doorkeeper of the house of representatives, each, the sum of four dollars per day. Sergeant-at-arms & doorkeepers.

§ 7. To the engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day. Eng. clerks.

§ 8. To the assistant engrossing and enrolling clerks of the senate and house of representatives, each, the sum of three dollars per day, for the time actually employed, to be certified by the principal clerk. Assistant eng. clerks.

Copyists.

§ 9. To the copyists of the journals of the senate and house of representatives, each, the sum of three dollars per day, for the time actually employed.

Certificate.

§ 10. The speaker of the senate shall certify the amount due each member and officer of the senate, except the amount due himself, which shall be certified by the secretary; and the speaker of the house of representatives shall certify the amount due each member and officer of the house, except the amount due himself, which shall be certified by the clerk; which certificates shall be sufficient authority to the auditor of public accounts to issue his warrant for the amount certified; to be paid out of any moneys in the treasury not otherwise appropriated.

Auditor to issue warrants.

§ 11. The auditor of public accounts is hereby authorized and required to issue his warrant on the treasurer in favor of any person who has or may hereafter furnish for the use of this session of the general assembly, any fuel, stationery, printing paper, candles, or any other necessary thing; which shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided*, that the several amounts due as above mentioned shall be certified by the secretary of state and approved by the governor.

Governor's secretary.

§ 12. That the sum of three dollars per day be allowed for the time actually employed for the hire of a clerk employed in the executive department during this special session, to be certified by the governor; and his certificate shall be sufficient evidence to the auditor, who shall issue his warrant on the treasurer for the same, and the said treasurer shall pay the same out of any moneys not otherwise appropriated.

Mileage to officers.

§ 13. To each of the officers of the general assembly, and private secretary of the governor, the mileage that is allowed to the members.

APPROVED Nov. 6, 1849.

In force Oct.  
29, 1849.

AN ACT to pay Paul Anderson the amount due to him.

Auditor to draw warrant.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of one hundred and thirty dollars is hereby appropriated, out of any money not otherwise appropriated, to Paul Anderson, in payment for translating the constitution of this state into Norwegian, and superintending the publication of the same. The auditor of public accounts is hereby directed to draw his warrant upon the treasurer for that sum, in favor of Paul Anderson.*

APPROVED October 29, 1849.

AN ACT to adjust the claim of George Peabody against the state.

In force Oct.  
29, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor of this state is hereby authorized and directed to adjust and pay the claim of George Peabody, of London, against the state of Illinois, for money advanced by him to Messrs. Ryan and Oakley, agents of the state, on or about the seventeenth of July, one thousand eight hundred and forty-four: *Provided,* that said George Peabody shall first return to the governor the canal bonds hypothecated by said agents to secure the repayment of said advance. Governor to adjust and pay claim.  
Proviso.

§ 2. *Be it further enacted,* That the sum of five thousand five hundred dollars, or so much thereof as may be necessary, and the same is hereby appropriated to pay the said claim of George Peabody, of London, against the state of Illinois, out of any money not otherwise appropriated, and that the auditor draw his warrant in favor of the governor on the treasurer for the same, or so much as shall be required for that purpose. Appropriation made.

§ 3. This act to be in force from and after its passage.  
APPROVED October 29, 1849.

AN ACT to enable the governor to carry out the provisions of a joint resolution of the last session of the general assembly, awarding swords to certain officers engaged in the war with Mexico. In force Nov. 6, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in order to enable the governor to carry out the provisions of a joint resolution of the last session of the general assembly, in awarding swords to certain officers from the state of Illinois, engaged in the war with Mexico, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, a sufficient sum of money to pay for said swords. Governor to certify.

§ 2. The governor is hereby authorized to certify to the auditor the amount necessary to pay for said swords, and on the presentation of said certificate, the auditor of public accounts shall draw his warrants upon the treasury for such amount as may be set forth in the governor's certificate, in favor of the person or persons entitled to the same. Auditor to draw warrants.

§ 3. This act to be in force from and after its passage.  
APPROVED Nov. 6, 1849.

In force Nov. 6,  
1849.

AN ACT to pay John S. Roberts an amount due him.

Auditor to draw  
warrant.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby required to draw his warrant on the treasurer in favor of J. S. Roberts, for the sum of twenty-one dollars and twenty-five cents, with interest from February first, 1841, being the amount due him for postage on official letters of the board of public works: *Provided*, that on the settling of said account, the said J. S. Roberts shall deliver to the auditor his receipt in full for said principal and interest.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Nov. 6, 1849.

In force  
Jan. 5, 1850.

AN ACT to enable the auditor of public accounts to prosecute claims in favor of the state.

Duty of state's  
attorneys.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the state's attorneys, when required by the auditor of public accounts, to bring suits on accounts against collectors or other persons indebted to the state, and to prosecute said claims to a final settlement and collection of the amount due.

Duty of auditor.

Sheriff.

§ 2. Any person who may desire to settle and pay over the amount due, after suit has been commenced, and before execution has been issued, shall pay the same into the state treasury, and the auditor shall notify the clerk of the court where such suit was commenced of the fact, and he shall endorse the judgment "satisfied." The sheriff or other officer who shall collect any funds due on execution in favor of the state, shall pay the same into the state treasury within one month after he has received said funds.

Compensation.

§ 3. The state's attorney who shall prosecute any suit in favor of the state, under the provisions of the preceding sections of this act, shall receive as a compensation for his services, upon all sums not exceeding one thousand dollars, by him collected on executions, five per cent., and upon all sums exceeding one thousand dollars by him collected on execution, five per cent. for the first one thousand dollars, and two and one half per cent. upon so much thereof as exceeds one thousand dollars. Said commission to be in full for all services of said state's attorney in the suits in which such collections shall be made, and not to be allowed in any

cases where collections shall be made by the state's purchasing property; and in each case which is settled, after being commenced and prior to sale under execution thereon, by the payment into the state treasury of the amount due the state, the auditor is hereby authorized to draw his warrant upon the state treasury in favor of the state's attorney attending to said suit, for the sum of ten dollars.

§ 4. The prosecuting attorney for the circuit in which the supreme court for that grand division may be held, shall attend in that supreme court to all business therein in which the state or any county may be interested, and shall receive therefor one hundred dollars per annum out of the state treasury, in addition to his present salary, and the auditor is hereby required to issue his warrant on the treasurer for that amount in his favor.

To attend to business in the supreme court.

APPROVED November 6, 1849.

AN ACT to authorize the auditor of public accounts and county courts to refund the taxes on real estate sold in error. In force Nov. 7, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections ninety and one hundred and eleven of chapter eighty-nine of the Revised Statutes, be and the same are hereby repealed, and hereafter the county court shall cause to be refunded the county tax on any real estate that may be erroneously sold for taxes, and shall cause to be delivered to the purchaser, or his assignee, a certificate showing a description of the property sold in error, year's tax for which sold, the amount of the state tax sold for, and the cause of error; and upon the presentation of said certificate to the auditor of public accounts, he shall issue his warrant on the treasurer for the amount of state tax due as aforesaid: *Provided*, that said property was not taxable, or was double assessed, but if the property was properly assessed, the county and state shall not refund as above provided for, but the collector, who received the tax before sale, shall refund double the amount so received.

Secs. repealed.

Proviso.

§ 2. If any collector shall refuse or neglect to refund, as above required, upon proper demand being made by the claimant, he shall be liable to an action of debt in any court having jurisdiction of the amount. This act to take effect and be in force from and after its passage.

Penalty.

APPROVED November 7, 1849.



In force Nov.  
6, 1849.

AN ACT to provide for the filling of vacancies in certain county offices.

Duty of clerk. *SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever a vacancy shall happen in the office of sheriff, county surveyor, or coroner of any county of this state, by death, resignation, or removal of any incumbent, it shall be the duty of the clerk of the county court of such county immediately to notify the governor of that fact, and it shall be the duty of the governor to issue a writ of election to fill such vacancy, and direct the time of holding the same; which election shall be proceeded in as in other cases of election.*

Governor to issue writ.

§ 2. This act to be in force from and after its passage.  
APPROVED November 6, 1849.

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In force Nov.  
6, 1849.

AN ACT to confirm elections of county officers.

Elections confirmed. *SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all elections heretofore ordered by the governor to provide for filling vacancies in the office of sheriff and county officers, are hereby confirmed, and the elections of all such officers shall be valid.*

§ 2. This act to take effect from and after its passage.  
APPROVED November 6, 1849.

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In force Nov. 2, 1849. AN ACT to establish the jurisdiction of the circuit courts of the state of Illinois.

Special terms. *SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That special terms of the circuit courts may be held in the respective circuits which shall have jurisdiction in all criminal cases hereafter arising within said circuits, on indictment as hereinafter specified.*

Duty of governor.

§ 2. The governor of the state of Illinois, whenever he is satisfied that it is essential to preserve law and order, and put down rebellion or mobs, or combinations to prevent the execution of law, shall require, by notice in writing, the judge of the circuit court in which circuit such illegal and criminal offences may be committed, to call a special term of the circuit court, to be holden in such part of his circuit as to him may seem convenient and suitable, within thirty

days after such requisition and notice; and it shall be the Duty of judge. duty of said judge immediately to fix upon a time and place of holding said special term, within the period aforesaid, and to issue a precept to each of the sheriffs of the several counties in his judicial circuit, (excepting such county or counties wherein such illegal and criminal offences may be alleged to have been committed,) to summon from each of said counties, not excepted as aforesaid, a fair proportion, to be fixed by said judge, of grand and petit jurors, for said special term of the circuit court of his circuit. The said judge shall also cause notices of the time and place of holding said special term to be put up in three of the public places in each of the counties of his circuit, one of which notices shall be placed on the outer door of the court-house in each of the counties in said circuit.

§ 3. The said jurors shall possess the same qualifications Qualifications of jurors. that are required for jurors now by law, except as to residence: *Provided*, that they shall be residents of said judicial circuit—and if at any time there be not in attendance upon such special term of the circuit court sufficient jurors, it shall be lawful to summon talesmen of said circuit.

§ 4. The grand jurors of said special term shall be Juror's duties. sworn and proceed in all respects, in procuring and hearing testimony in behalf of the people of the state of Illinois, and finding bills of indictments, as at the regular terms of the circuit court, except that they shall not have power to try cases coming up from any part of said circuit, except from the county or counties which are set forth in the notice of the governor as being in a state of riot or combination against the laws.

§ 5. The state's attorney of said judicial circuit shall be notified of the time and place of holding said special term, by said judge, and shall act as prosecutor for the people at said court, and the said court shall have power to appoint a prosecuting attorney *pro tem.*, or an assistant prosecuting attorney; which prosecutor *pro tem.*, or assistant prosecutor, shall be allowed for his services during said Duty of prosecuting attorneys. term, not exceeding two hundred dollars, to be certified by Compensation. the judge and paid out of the treasury.

§ 6. The said judge, upon the receipt of the notice of Marshal. the governor as aforesaid, shall appoint a marshal, who shall execute such bond, with such security as the said judge may require, to conform as near as may be to the official bond of sheriffs. The said marshal shall perform all the official duties arising out of, or connected with said special term of the circuit court within said circuit, which is required of sheriffs in their respective counties in criminal cases.

§ 7. The clerk of the circuit court in and for the coun- Clerk. ty in which such special term may be holden, shall perform all the official duties of clerk arising out of or connected

with the holding of said special term, but the said clerk shall keep the record of the proceedings of said special term in a separate book or books from the proceedings of the regular term of the circuit court, and all copies from said record shall be certified to be copies of the record of the special term of the circuit court holden under the provisions of this act, by the clerk aforesaid, under his official seal as circuit clerk of the county in which special term is held.

Process, how  
issued & ser-  
ved.

§ 8. The process of said special term shall be issued to the marshal, and may be executed by him and by all the sheriffs and constables of the state of Illinois; it shall be tested in the name of the clerk aforesaid, and under the seal of the circuit court in and for the county in which said special term is held.

Terms of court  
postponed.

§ 9. In case the time fixed by said judge for holding said special term, shall interfere with the time of holding a regular term of the circuit court in the same circuit, it shall be the duty of the said judge to notify the clerk of the circuit court in and for the county in which such regular term was to have been holden, of the appointment of said special term, and said clerk shall cause notice to be posted up in every precinct of his county that the said regular term of said circuit court will not be holden, and the said regular term of said court shall stand adjourned till the next regular term thereof, and all cases and matters therein pending continued.

Judges of other  
courts permit-  
ted to perform  
duties.

§ 10. If the said judge of said circuit court shall, from any cause, be unable to attend the said special term, any other judge of the circuit court of this state may perform the duties with like power and jurisdiction; and the judge presiding at said special term shall have power to call to his assistance at said court any other circuit judge in said state.

Rules applica-  
ble.

§ 11. All rules, proceedings, and practice at said special term shall conform as near as may be to the rules, proceedings and practice of the regular terms of the circuit court in criminal causes, and the judgments shall be of the same form and effect, and all the provisions of the criminal code shall be complied with, so far as may be applicable to the said special term.

Posse may be  
summoned.

§ 12. The said judge may, whenever he deems it necessary to execute process or enforce order, direct the marshal to summon such *posse* as said judge may think proper, to aid and protect the court in executing the laws, and giving persons charged with offences an impartial trial; which *posse* shall be allowed one dollar each per day for their services, to be certified by the judge and paid out of the state treasury.

Compensation.

§ 13. When any person or persons who may be indicted in any county at the regular term of the circuit court for

Indictments.



the said county, for any crime or misdemeanor, shall afterwards be indicted for the same offence at a special term of said circuit court, holden under the provisions of this act, the said indictment in said special term shall operate as a *nolle prosequi* upon the former indictment; but nothing in this act shall be construed as depriving the circuit court, at its regular term in the proper county, of concurrent jurisdiction with the said circuit court at a special term, held under this act, at any time said special term is not being holden.

§ 14. The said special term may be adjourned from day to day by the judge thereof, until all cases pending therein are disposed of. Adjournments.

§ 15. All costs, fines, penalties and forfeitures had or taken at any of said special terms shall enure to the benefit of the state of Illinois, and cognizances taken and forfeited in said court may be sued upon in the circuit court in any county where the cognizors or any of them reside. Costs, fines, &c.

§ 16. Where imprisonment is part of the punishment, the defendant may be imprisoned in any jail in said circuit, and the said marshal may confine any person in his custody in any of said jails for safe keeping. Punishment.

§ 17. Writs of error to the supreme court of this state shall be allowed from said special term, in all respects as from the regular terms of the circuit courts. Writs of error.

§ 18. The marshal shall be allowed for his services the same fees as are allowed sheriffs for similar services in civil cases, and the clerk shall have the same fees as are allowed clerks of the circuit court in civil cases. The grand and petit jurors and witnesses in behalf of the people shall be allowed one dollar each per day, and one dollar for every twenty miles necessary travel in going to and returning from said court; all of which fees shall be certified by said judge and paid out of the state treasury. Fees of marshal

§ 19. The auditor shall draw his warrant upon the treasury in favor of W. A. Denning, judge of the third judicial circuit, for the sum of four hundred dollars, for his extra services and expenses in holding the district court in Massachusetts county under the proclamation of the governor. Auditor to draw warrant.

§ 20. This act shall be in force and take effect from and after its passage.

APPROVED Nov. 3, 1849.

Is force Dec. AN ACT to establish the tenth judicial circuit, and to fix the times of holding  
1, 1849. courts in the fifth, sixth, seventh, ninth, and eleventh judicial circuits, and for other purposes.

Tenth circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the counties of Fulton, Peoria, Stark, Henry, Rock Island, Mercer, Knox, and Warren, shall compose a judicial circuit, to be called the tenth judicial circuit; and that the circuit courts shall be holden at the respective county seats of the said counties, at the times following, to wit:

Times of hold-  
ing court.

In the county of Fulton on the second Monday of March; in the county of Peoria on the fourth Monday of March; in the county of Knox on the second Monday of April; in the county of Warren on the third Monday of April; in the county of Mercer on the fourth Monday of April; in the county of Rock Island on the first Monday of May; in the county of Henry on the second Monday of May; in the county of Stark on the third Monday of May. Also, in the county of Peoria on the fourth Monday of August; in the county of Fulton on the third Monday of September; in the county of Knox on the first Monday of October; in the county of Warren on the second Monday of October; in the county of Mercer on the third Monday of October; in the county of Rock Island on the fourth Monday of October; in the county of Henry on the first Monday of November; in the county of Stark on the second Monday of November; in the county of Peoria on the third Monday of November, in each and every year.

Election.

§ 2. There shall be an election holden in the respective counties composing the said judicial circuit, on the second Monday of January next, for the election of a circuit judge and state's attorney of said circuit; which election shall be conducted and returns thereof made and canvassed in the manner provided by the constitution and laws of this state. Said judge and state's attorney, when elected, commissioned and qualified shall hold their offices until the next general election of judge and state's attorneys, as provided by the constitution, and until their successors are elected and qualified.

Duty of secreta-  
ry of state.

§ 3. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties; and the clerks of the county or county commissioners' courts or county courts of said counties, whichever may be in existence, shall issue notices for said election, to sheriffs thereof respectively, notifying the electors of said election; which notices shall be posted up by them in the several precincts, in the like manner as provided by the constitution and laws of this state for holding general elections therein.

§ 4. The said circuit judge and state's attorney, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority, now had or hereafter to be required of, or exercised by circuit judges and state's attorneys, in this state, under the constitution and laws thereof, and shall receive the same compensation and be liable to the same duties as other judges and state's attorneys are entitled to receive by the constitution and laws.

§ 5. The judges and state's attorneys now having jurisdiction and exercising authority within said circuit as above established, shall hold and exercise such jurisdiction and authority, until the judge and state's attorney, in this act provided for, shall have been elected, commissioned and qualified.

§ 6. *Be it further enacted*, That the counties of Pike, Brown, Adams, Schuyler, Hancock, McDonough, and Henderson, shall hereafter form and compose the fifth judicial circuit; the counties of Jo Daviess, Stephenson, Ogle, Lee, Whiteside, and Carroll shall hereafter form and compose the sixth judicial circuit; the counties of La Salle, Putnam, Marshall, Bureau, Kane, De Kalb, Kendall, and Livingston, shall form and compose the ninth judicial circuit, and the counties of Winnebago, Boone, McHenry, Du Page, Will, Grundy, and Iroquois, shall form and compose the eleventh judicial circuit.

Fifth circuit.

Sixth circuit.

Ninth circuit.

Elev'th circuit.

§ 7. The courts in the fifth judicial circuit shall be held in the counties thereof, at the following times, viz: In the county of Hancock on the second Monday of March and first Monday of September; in the county of Henderson on the fourth Monday of March and third Monday of September; in the county of McDonough on the first Monday of April and fourth Monday of September; in the county of Schuyler on the second Monday of April and first Monday of October; in the county of Brown on the third Monday of April and second Monday of October; in the county of Pike on the fourth Monday in April and third Monday of October; in the county of Adams on the second Monday of May and the first Monday in November, in each and every year.

Courts in fifth circuit.

§ 8. The courts in the sixth judicial circuit shall be held in the counties thereof, at the following times, viz: In the county of Jo Daviess on the second Monday in March, the third Monday in May, and the first Monday in October; in the county of Stephenson on the fourth Monday in March and fourth Monday in August; in the county of Ogle on the first Monday in April and first Monday in September; in the county of Lee on the second Monday of April and the second Monday of September; in the county

Sixth circuit.

of Whiteside on the third Monday in April and the third Monday of September; and in the county of Carroll on the fourth Monday of April and the fourth Monday of September, in each and every year.

Ninth circuit.

§ 9. The courts in the ninth judicial circuit shall be held in the counties thereof, at the following times, viz: In the county of Kane on the second Monday in March, the first Monday in September, and the third Monday in November; in the county of De Kalb on the fourth Monday of March and the third Monday of September; in the county of Bureau on the first Monday of April and on the fourth Monday of September; in the county of Putnam on the second Monday of April and on the first Monday of October; in the county of Marshall on the third Monday of April and on the second Monday of October; in the county of Livingston on the fourth Monday of April and on the third Monday of October; in the county of Kendall on the first Monday of May and on the fourth Monday of October, in each and every year.

Elev'th circuit.

§ 10. The courts in the eleventh judicial circuit shall be held in the counties thereof, at the following times, viz: In the county of Winnebago, on the third Monday of March and fourth Monday in August; in the county of Boone on the first Monday of April and on the second Monday of September; in the county of McHenry on the second Monday of April and on the third Monday of September; in the county of Du Page on the fourth Monday of April and on the first Monday of October; in the county of Iroquois on the second Monday of May and on the second Monday of October; in the county of Grundy on the third Monday of May and on the third Monday of October; in the county of Will on the fourth Monday of May and on the second Monday after the third Monday of October, in each and every year.

Cook county court.

§ 11. From and after the first Monday of January next, the circuit court in and for the county of Cook, shall be holden on the first Mondays in May and December in each year, and that there shall be added to the name and title of the Cook county court, created by an act of the legislature, approved on the 21st February, 1845, and referred to in the 21st section of the schedule of the constitution, the words "*of common pleas*," so that the title and name of said court shall henceforward be the "Cook county court of common pleas," and the regular terms of said last named court shall hereafter be held on the first Mondays of February and September in each year, instead of the times heretofore designated by law; and the said Cook county court of common pleas, and the said circuit court of Cook county, shall have equal and concurrent jurisdiction in all cases of misdemeanor, arising under the criminal laws of this state, and in all cases



of appeals from justices of the peace, arising or instituted within said county of Cook, any law in anywise to the contrary notwithstanding; and all appeals from justices of the peace within said county of Cook, shall be taken and carried to whichever of said courts the term of which shall be held next after any such appeal shall have been applied for and taken.

§ 12. All writs, subpoenas, and other process, which may have been or may be issued, and made returnable to the terms of courts in said circuits, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts, as required to be held; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the times of holding said courts. Process returnable.

§ 13 This act shall take effect and be in force from and after the first day of December next.

APPROVED November 5, 1849.

AN ACT supplementary to an act entitled "An act to establish the tenth judicial circuit, and to fix the times of holding courts in the fifth, sixth, seventh, ninth, and eleventh judicial circuits, and for other purposes." In force Nov. 5, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times of holding circuit courts in the counties of La Salle, Livingston, and Kendall, in the ninth judicial circuit, shall be as follows:

In the county of La Salle, on the fourth Monday in April La Salle. and third Monday in October;

In the county of Livingston, on the second Monday of May Livingston. and first Monday of November;

In the county of Kendall, on the third Monday of May Kendall. and second Monday of November, in each and every year.

§ 2. The circuit courts in the county of Lake shall here- Lake. after be holden at the following times, viz: On the second Monday in January, first Monday in June, and second Monday in October, in each year.

APPROVED November 6, 1849.

In force Nov. 6, 1849. AN ACT supplemental to an act entitled "An act to establish the tenth judicial circuit, and to fix the times of holding courts in the fifth, sixth, seventh, ninth, and eleventh judicial circuits, and for other purposes."

Times of holding courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts of the fifth judicial circuit shall hereafter be held as follows: In the county of Schuyler, on the second Mondays in March and August; in the county of Brown, on the third Mondays of March and August; in the county of Pike, on the fourth Mondays in March and August; in the county of Henderson, on the second Mondays in April and September; in the county of Hancock, on the third Mondays of April and September; in the county of McDonough, on the first Mondays in May and October; in the county of Adams, on the second Mondays of May and October.

§ 2. This act to take effect from and after its passage; and the provisions of the act to which this is supplemental, so far as consistent with this act, are hereby declared to apply to this act.

APPROVED November 6, 1849.

AN ACT to fix the times of holding courts in Lake county.

In force Nov. 5, 1849.

Time of holding circuit court in Lake county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit court in and for the county of Lake, in the seventh judicial circuit, shall be held at the court-house at Waukegan, in said county, commencing at the times following, viz: On the second Monday of January, on the first Monday of June, and on the second Monday in October, in each year. This act to take effect and be in force from and after its passage.

APPROVED November 5, 1849.

In force Nov. 6, 1849. AN ACT to postpone the Hardin and Gallatin courts, in the third judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Hardin circuit court to be held on the first Monday of November, 1849, and the Gallatin circuit court to be held on the third Monday of November, 1849, under the act entitled "An act changing the times of holding courts in the

third judicial circuit," approved February 3d, 1849, be and the same are hereby postponed to the times following, to wit: The Hardin circuit court to be held on the first Monday of January, 1850, and the Gallatin circuit court on the Monday following, and to continue three weeks.

§ 2. All writs, subpoenas and other process which may have been, or may be issued and made returnable to the terms of said courts, under the act of 3d February, 1849, aforesaid, shall be deemed and taken to be returnable to the terms of said courts as required to be holden under the first section of this act; and all notices which may have been given, by publication or otherwise, as well as all depositions taken with reference to the terms of said courts, as heretofore required to be holden, shall, under and by virtue of this act, apply to the terms of said courts as required to be held under the first section of this act; and all causes, motions and other proceedings, pending or undetermined in said courts, shall be taken up and disposed of as if no alteration had been made in the times of holding said courts.

§ 3. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. This act to take effect from and after its passage.

APPROVED November 6, 1849.

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AN ACT to amend an act entitled "An act establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes," approved February 12th, 1849. In force Nov 5, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the fourteenth section of the act to which this is an amendment, be so construed as to confer on the county judge all the power and jurisdiction, both civil and criminal, which the justices of the peace in this state possess, and that the said judge, while exercising such powers and jurisdiction, shall act in the capacity of justice of the peace, and not as county judge. And said county judge, while acting as justice of the peace, shall be entitled to the same fees as are now allowed by law to justices of the peace in this state, and shall, before entering on the duties of his office, give bond as is now required by law of other justices of the peace.

APPROVED November 3, 1849.

In force Nov.  
6, 1849.

An ACT to provide for a general system of railroad incorporations.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any number of persons, not less than twenty-five, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning and maintaining such railroad, by complying with the following requirements: When stock to the amount of at least one thousand dollars for every mile of said road, so intended to be built, shall be in good faith subscribed, and ten per cent. paid thereon as herein required, then the said subscribers may elect directors for the said company; thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the corporation; the number of years the same is to continue, which shall not exceed fifty years; the amount of the capital stock of the company, which shall be the actual cost of constructing the road, together with the cost for the right of way, motive power, and every other appurtenance for the completion and running of said road, as nearly as can be estimated by competent engineers; the number of shares of which said stock shall consist; the number of directors, and their names, to manage the concerns of the company, who shall not be one half in the number of the stockholders, and shall hold their offices until others are elected; the place from and to which the proposed road is to be constructed, and each county into or through which it is intended to pass, and its length, as near as may be, and the names of five commissioners to open books of subscription to the stock. Each subscriber to such article of association shall subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such company. The said articles of association may, on complying with the next section, be filed in the office of secretary of state, and thereupon the persons who have subscribed, and all persons who shall, from time to time, become stockholders in such company, shall be a body corporate, by the name specified in such articles.

**§ 2.** Such articles of association shall not be filed in the office of the secretary of state until ten per cent. on the amount of the stock subscribed thereto shall have been actually and in good faith paid, in cash, to the directors named in such articles, nor until there is endorsed thereon, or annexed thereto, an affidavit, made by at least three of the directors named in such articles, that the amount of stock required by the first section has been subscribed, and that ten per cent. on the amount has actually been paid in.

**§ 3.** A copy of any articles of association filed in pursuance of this act, with a copy of the affidavit aforesaid in-



dorsed thereon, or annexed thereto, and certified to be a copy by the secretary of this state, or his deputy, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of the facts therein stated.

§ 4. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, by the name stated in such certificate, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding, and conveying any real estate and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, yards, and appurtenances for the use of the same.

Certificate, its effect.

§ 5. The commissioners for opening books of subscription, named in the act of incorporation, shall, from time to time, after the company shall be incorporated, open books of subscription to the capital stock of the company, in such places, and after giving such notice as a majority of them shall direct; which books of subscription shall be kept open until all the capital stock shall be subscribed, if the corporation shall so long exist, and in case a greater amount of stock shall be subscribed than the whole capital of said company, the commissioners shall distribute such capital stock as equally as possible among the subscribers; but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any subscriber than such subscriber shall have subscribed for.

Books to be opened

§ 6. As soon as practicable, after such capital stock shall have been subscribed and distributed as aforesaid, the commissioners to receive subscriptions thereto shall appoint a time and place for the meeting of the stockholders to choose directors; such meeting to be held in one of the counties in or through which such railroad is proposed to be constructed, and notice thereof shall be given by said commissioners, by public notice to be published not less than twenty days previous thereto, in the state paper, and a newspaper published in each county through which the said road shall be intended to run, in which a newspaper shall be published. Thirteen directors shall be chosen at such meeting, by ballot, and by a majority of the votes of the stockholders, being present in person or by proxy, and every such stockholder being so present at such election, or at any subsequent election of directors, shall be entitled to give one vote for every share of stock which he shall have owned for the thirty days next preceding such election; but no stockholder shall vote at any such election upon any stock, except such as he shall have owned for such thirty days.

Directors to be chosen.

Qualification of voters.

No person shall be a director unless he shall be a stockholder, owning stock absolutely and in his own right, and qualified to vote for directors at the election at which he shall be chosen; and at least seven of the directors shall, at the time of their election, be residents of the counties in or through which the route of such railroad shall run. The directors shall be directors for one year, and until otherwise elected in their places.

Duty of commissioners.

§ 7. The commissioners named in the last preceding section shall be inspectors of the first election of directors shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof subscribed by them or a majority of them, in the office of the secretary of state, and in the office of the clerk of each county, or with the clerk of the county commissioners court, (as the case may be) of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the treasurer of such company all moneys [received] by such commissioners on subscriptions to such capital stock, and all books and papers in their possession relative to such subscriptions. All subsequent elections shall be held at such time and place in one of these counties through which such railroad shall pass, as shall be directed by the by-laws of the company.

Meeting of stockholders.

§ 8. A general meeting of the stockholders of any corporation formed under this act shall be holden annually, at the time and place appointed for the election of directors and a meeting may be called at any time during the interval between such annual meetings, by the directors or by the stockholders owning not less than one fourth of the stock, by giving thirty day's public notice of the time and place of the meeting, in the state paper, and a newspaper published in each county through which the said road shall be run or be intended to run, in which a newspaper shall be published, and when any such meeting is called by the stockholders the particular object of such call shall be stated, and if at any such meeting thus called, a majority in value of the stockholders are not represented in person or by proxy such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if, within said three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Meetings may adjourn.

Duty of president and directors.

§ 9. At the regular annual meeting of the stockholders of any corporation, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the said company, and at any meeting of the stockholders a majority of those present in person or by proxy may require similar statement from the directors, whose duty it shall be to furnish them

when thus required; and at all general meetings of the stockholders, a majority in value of the stockholders in said company may fix the rate of interest which shall be paid by the company, for loans for the construction of said road and its appendages, may remove any president or any director of said company and elect others in their stead: *Provided*, notice of such intended removal has been given, Proviso. as required by the last preceding section.

§ 10. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of the company, when it ought to have been made, the company for that reason shall not be dissolved, if within ninety days thereafter they shall hold an election for directors in such manner as shall be provided by the by-laws of the company. There shall be a president of the company, who shall be chosen by and from the directors, and also such subordinate officers as the company, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company, by its by-laws, may require. Failure. President.

§ 11. It shall be lawful for the directors to call in and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payments shall not be made by the stockholders within sixty days after personal demand, or notice requiring such payment shall have been made in each county through which said road shall be laid out in which a newspaper shall be published. Forfeiture.

§ 12. The directors of such company shall have power to make by-laws for the management and disposition of stock, property, and business affairs of such company, not inconsistent with the laws of this state, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers for carrying on all the business within the object and purposes of such company. By-laws.

§ 13. The stock of such company shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable till all previous calls thereon shall have been fully paid in, or the said shares shall have been forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of any stock in their own or in any other corporation. Stock deemed personal estate.

§ 14. All the stockholders of any such company that shall be hereafter incorporated under this act, shall be severally individually liable to the creditors of such company Stockholders responsible

to an amount equal to the amount of stock held by them, respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by the company in manner aforesaid shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section; and shall be jointly and severally liable for all debts that may be due and owing to all their laborers, servants and apprentices, for services performed for such corporation, but not be liable to an action therefor before an execution shall be returned satisfied in whole or in part against the corporation, and then the amount due on said execution shall be the amount recoverable, with costs, against said stockholders.

Certificate to be made. § 15. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the company, shall make a certificate, stating the amount of the capital stock so fixed and paid in; which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary, and they shall, within the said thirty days, file and record the same in the office of the secretary of state.

Liability of directors. § 16. If the directors of any such company shall declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted so long as they shall respectively remain in office: *Provided*, that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and shall, within thirty days thereafter, or after his return, if absent, file a certificate of their absence or objection with the clerk of the company, and with the clerk of the county, or with the clerk of the county commissioners' court of the county in which the principal office of said company is located, they shall be exempt from the said liability.

Officers liable. § 17. If any certificate or report made or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

Persons exempt. § 18. No person holding stock in any such company, as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder ac-



cordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or persons interested in such trust fund would have been if he had been living and competent to act and held the same stock in his own name.

§ 19. Every such administrator, executor, guardian, or trustee shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder. Stock represented

§ 20. Every such company, before proceeding to construct a part of their road through any county named in their certificate of association, shall make a map and profile of the route intended to be adopted by such company; which shall be certified by a majority of the directors and filed in the office of the county clerk of such county, or with the clerk of the county commissioners' court of such county, for the inspection and examination of all parties interested therein. Map & profile

§ 21. Every such corporation shall possess the general powers, and be subject to the general liabilities and restrictions expressed in the special powers following, that is to say: General & special powers

1. To cause such examination and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and for such purpose, by their officers, agents, and servants, to enter upon lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

2. To receive, hold, and take such voluntary grants and donations of real estate and other property, as shall be made to it, to aid in the construction, maintenance, and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only.

3. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers and surveyors and agents enter upon and take possession of and hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of its railroad and stations, depots and other accommodations necessary to accomplish the object for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to the owner or owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given to enter into possession.

4. To lay out its road, not exceeding six rods wide, and to construct the same, and for the purposes of cuttings, embankments, and procuring stone and gravel, may take as

much more land within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

5. To construct their road upon or across any stream of water, water course, road, highway, railroad, or canal, which the route of its road shall intersect; but the corporation shall restore the stream or water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

6. To cross, intersect, join, and unite its railroad with any other railroad before constructed, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court, as is provided hereinafter in respect to the taking of lands.

7. To purchase lands or take them, may change the line of its road whenever a majority of the directors shall so determine, as is hereinafter provided, but no such change shall vary the original route of such road to exceed one mile laterally.

8. To take, transport, carry and convey persons and property on their railroad, by the force and power of steam, of animals, or any mechanical powers, or by any combinations of them, and receive tolls or compensation therefor.

9. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents a mile, unless by special act of the legislature, and shall be subject to alteration as hereinafter provided.

11. To borrow money, to be applied to the construction of their railroad and fixtures, and purchase of engines and cars, at such rates of interest as is hereinafter provided.

§ 22. Any number of persons, not less than thirteen, intending to organize a corporation under the provisions of

this act, and every company that may hereafter organize under this act, may present a petition to the legislature, stating the place from and to which they propose to construct their road, and its location and route, with reasonable certainty, or that they intend to run the said road on the most direct and eligible route between the points of terminus, and praying the legislature to determine whether the construction of the said proposed road will be of sufficient public use to justify the taking of private property for the construction of the same. And if the legislature shall determine and decide by law that such proposed road will be of sufficient public utility to justify the taking of private property for constructing and maintaining said road, under the provisions of this act, then such company, when organized, may enter upon, take possession of and use all such lands, real estate, as may be required for the construction and maintenance of their railroad, and the convenient accommodations appertaining to the same; making compensation, in the manner hereinafter provided, for all lands, real estate, thus taken possession of and used, except such as may be voluntarily given to or purchased at an agreed price by the said corporation. Whenever the said corporation shall not have acquired by gift or purchase any land, real estate, so required as aforesaid, or which may be affected by any operation connected by such construction and maintenance, the said corporation may present to the circuit court of the district where said lands or real estate shall lie, a petition, signed by its attorney or agent, describing with convenient accuracy and certainty, by map or otherwise, the lands or real estate so required to be taken or affected as aforesaid, setting forth the name and residence of each owner or other person interested therein as owner, lessee, incumbrancer, as far as known to such attorney or agent, or appearing of record, and praying the appointment of commissioners to ascertain the compensation to be made to such owners and persons interested, for the taking or injuriously affecting such land or real estate as aforesaid. The court shall have satisfactory evidence that notice of an intended application, and the time and place thereof, for the appointment of commissioners of appraisement between said corporation and the owners and persons interested in such lands and real estate, had been given at least ten days previously, to such owners personally, or to some person of suitable age, at their residence, or on the premises, or by the publication thereof in a newspaper printed in the county in which such lands or real estate may lie. Such publication to be allowed only in respect to owners who shall appear by affidavit to have no residence in the county, known to such agent or attorney, whereat such notice could be delivered as aforesaid. The court may adjourn the pro-

ceedings from time to time; shall direct any future notice thereof to be given that may seem proper; shall have proofs and allegations of all parties interested, touching the regularity of the proceedings; and shall, by an entry in its minutes, appoint five competent and disinterested persons commissioners to ascertain such compensation as aforesaid, specifying in such entry a time and place for the first meeting of such commissioners. The said commissioners, before entering upon the duties of their office, shall take the oath required by the laws and constitution of this state, and any one of them may administer oaths to witnesses produced before them; and may adjourn, and may hold meetings for that purpose. Whenever they shall meet to hear proofs and allegations, unless by appointment of the court or pursuant to adjournment, they shall cause reasonable previous notice of such meetings to be given to the said owners or parties interested, or their attorney, or agent, and may each of them issue subpoenas and compel witnesses to appear and testify; they shall hear the proofs and allegations of the parties, and any three or more of them, after reviewing the premises, without fear or favor or partiality, ascertain and certify the compensation proper to be made to the said owners and parties interested, for the lands or real estate to be taken, as well as all damages accruing to the owner of the lands and real estate aforesaid, taken in consequence of the condemnation of the same, or injuriously affected as aforesaid, making such deduction or allowance for real benefit or advantages which such owners or parties interested may derive from the construction of said road, and may in their discretion assess a separate reasonable sum in favor of such owner and parties interested, or of any person appointed by the court to appear as attorney for them, for costs, expenses and reasonable counsel fees. They, or a majority of them, shall make, subscribe, and with the clerk of the county, or with the clerk of the county commissioners' court, in which such lands or real estate shall lie, a certificate of their said ascertainment and assessment, in which such lands or real estate shall be described by map or otherwise, with convenient accuracy and certainty. The court, upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the state treasury, or other place for that purpose approved by the court, shall make and cause to be entered in its minutes a rule describing such lands or real estate, in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the same compensation as aforesaid; a certificate copy of which rule shall be recorded and indexed in the proper recorder's office, in like manner and with the



like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule the said corporation shall become seized in fee of all the lands and real estate described in said rule, as required to be taken as aforesaid, during the continuance of the corporation, by this or any subsequent act, and may take possession of and hold and use the same for the purposes of said road, and shall thereupon be discharged from all claim for any damages by reason of any matter specified in said petition, certificate, or rule of said court. If at any time after an attempted or actual ascertainment of compensation under this or any other act, or any purchase by, or donation to said corporation, of any lands for the purposes aforesaid, it shall appear that the title acquired thereby to all or any part of such lands for the use of said road, or if said corporation shall fail or be deemed defective, the said corporation may proceed anew to perfect such title, by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in, or lien upon such lands, and by making payment thereof in the manner hereinafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this act, the court may, by a rule in that behalf made, authorise the said corporation, if already in possession, and if not in possession to take possession of and use such premises during the pendency and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation on account thereof: *Provided*, such corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf when ascertained; and in every case where possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the company. The said commissioners shall be entitled to receive from said corporation a compensation not exceeding two dollars for each day actually employed by them in the discharge of their duties. Such compensation to be taxed and allowed by the court. If any commissioner so appointed shall die, be unable, or fail to serve, the court may appoint another in his place, on reasonable notice of the application, to be approved by the court. The proceedings hereby authorized may be had in the circuit court in a county where the lands lie, and all motions to the circuit court shall be made at a general or special term thereof in said county. The said commissioners shall file the said certificate in the county where the lands to be affected may lie, or in any adjacent county, and any clerk may transfer the same and the proceedings connected therewith to the clerk of the county in which the lands to be affected may lie, or

of any county adjacent thereto, whenever such commissioner or clerk shall be so required by said corporation, its agent or attorney. And the legislature hereby reserves [the right] to itself to indicate the routes and termini of said roads, and the same shall not be constructed or commenced without the expressed sanction of the legislature of this state, by a law to be passed hereafter.

ty of court.

§ 23. In case any infant, idiot, or insane person, or any unknown owner or owners, not personally notified to appear, and who shall not appear after such notice, on the appointment of commissioners, shall be interested in any such lands, real estate, and property, the court shall appoint some proper person to appear before the said commissioners and act as attorney for and in behalf of such infant, idiot, insane person, unknown owner, or non-appearing owner, not personally served with notice.

ie may be altered.

§ 24. If at any time after the location of the track of said road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for the said directors, from time to time, to alter the line and cause a new map to be filed in the office where the map showing the first location is or shall be filed, and may thereupon proceed to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding section of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city.

highways, how crossed.

§ 25. Whenever the track of said railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands, the same when so taken or compensation made to become part of such intersecting road or highway, in such

manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

§ 26. If any such corporation shall, for its purpose afore-  
said, require any land belonging to the people of this state, <sup>Lands may granted.</sup>  
or to any of the counties or towns, the general assembly  
of the state and the county or town officers, respective-  
ly, having charge of such lands, may grant such lands  
to such corporations for a compensation, which shall be  
agreed upon between them; and if they shall not agree  
upon a sale and price, the same may be taken by the corpo-  
ration as is before provided in respect to other cases.

§ 27. Every conductor, baggage-master, engineer, <sup>Officers to w badge.</sup>  
brakeman, or other servant of any such railroad corporation,  
employed in a passenger train, or at stations for passengers,  
shall wear upon his hat or cap a badge, which shall indicate  
his office, and the initial letters of the style of the corpora-  
tion by which he is employed. No conductor or collector  
without such badge, shall demand or be entitled to receive  
from any passenger any fare, toll, or ticket, or exercise any  
of the powers of his office; and no other of said officers or  
servants, without such badge, shall have any authority to  
meddle or interfere with any passenger, his baggage, or  
property.

§ 28. Every such corporation shall make an annual re-  
port to the secretary of this state, of the operations of the <sup>Annual re</sup>  
year ending on the first day of January; which report shall  
be verified by the oaths of the treasurer and the acting su-  
perintendent of operations, and filed in his office by the  
twentieth day of January, in each year, and shall state—

1st. The capital stock and the amount actually paid in;

2d. The amount expended for the purchase of lands for  
the construction of the road, for buildings, and for engines  
and for cars, respectively;

3d. The amount and nature of its indebtedness, and the  
amounts due the corporation;

4th. The amount received for the transportation of pas-  
sengers, of property, of the mails, and from other sources;

5th. The amount of freight, specifying the quantity in  
tons, of the products of the forests, of animals, of vegetable  
food, other agricultural products, manufactures, merchan-  
dize, and other articles;

6th. The amount paid for repairs, engines, cars, build-  
ings, and salaries;

7th. The number and amount of dividends, and when  
paid;

8th. The number of engine houses and shops, of engines  
and cars, and their character;

9th. The number of miles run by passenger, freight, and  
other trains, respectively;

10th. The number of men employed, and their occupa-  
tion;

11th. The number of persons injured in life or limb, and the causes of such injury ;

12th. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation.

Penalty.

§ 29. Any such corporation which shall neglect to make such report, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the people of this state.

Property to be listed.

§ 30. The property belonging to any company organized under the provisions of this act, shall be listed by the resident secretary or other proper officer, with the auditor of state, which shall be subject to the same rate of taxation as other similar property of individuals, and the revenue arising therefrom shall be paid into the state treasury, until the entire extinction of the internal improvement debt of the state, after which the said property shall be subject to taxation, and the revenue arising therefrom paid as in the case of all other property in the state. The revenue derived under this section to be applied to the payment of the public debt of the state.

Liens.

§ 31. The state shall have a lien upon all railroads of said corporations, and their appurtenances and stock therein, for all penalties, taxes, and dues which may accrue to the state from said corporations ; which lien of the state shall take precedence of all demands, judgments, or decrees, against said corporations: and the citizens of this state shall have a lien upon all personal property of said corporation to the amount of one hundred dollars, originally contracted within this state ; which, after said lien of the state, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages, against said corporation.

Tolls may be altered, &c.

§ 32. The legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rates of toll, fare, freight, or other profits upon such road ; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than fifteen per cent. per annum on the capital actually paid in ; nor, unless on an examination of the amounts received and expended to be made by the secretary of state, he shall ascertain that the nett income divided by the company from all sources for the year then last past shall have exceeded an annual income of fifteen per cent. upon the capital of the corporation actually paid in.

to carry mail.

§ 33. Any such corporation shall, when applied to by the postmaster general, convey the mail of the United States on their road or roads, respectively ; and in case such corporation shall not agree as to rates of transportation thereof, and as to time, rate of speed, manner and condition of car-



rying the same, it shall be lawful for the governor of this state to appoint three commissioners, who, or a majority of them, after fifteen days' notice, in writing, of the time and place of meeting to the corporation, shall determine and fix the prices, times, and condition aforesaid, but such prices shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandize transported in their merchandize trains, and a fair compensation for the post-office car. And in case the postmaster general shall require the mail to be carried at other hours, and at a higher speed than the passenger trains be run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed aforesaid.

§ 34. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train and the servants of the corporation to put him out of the cars at any usual stopping place the conductor shall select. Penalty on refusal to pay fare.

§ 35. Every such corporation shall start and run their cars for the transportation of passengers and property, at regular times to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at sidings and stopping places established for receiving and discharging way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places on the due payment of tolls, freight or fare, legally authorized therefor. Regular times to be fixed.

§ 36. In case of the refusal by such corporation, or their agents, so take and transport any passengers or property, or to deliver the same or either of them at the regular or appointed time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suits. Penalty of corporation.

§ 37. In forming a passenger train, baggage or freight or merchandize or lumber cars shall not be placed in rear of passenger cars, and if they or any of them shall be so placed and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly. Trains, how placed.  
Penalty for neglect.

§ 38. A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled, at the distance of at least eighty rods from the place where the said road shall cross any other road or street, and be kept ringing or whistling until Bell or whistle to be kept.

it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning the railroad, one half thereof to go to the informer, and the other half to the state, and also be liable for all damages which shall be sustained by any person by reason of such neglect.

Boards to be kept up.

§ 39. Every such corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street, where the same is crossed by the railroad on the same level. Said boards shall be elevated, so as not to obstruct the travel, and to be easily seen by travellers; and on each side of said boards shall be painted in capital letters, of at least the size of nine inches each, the words "*Railroad crossing—look out for the cars while the bell rings, or the whistle sounds.*" But this section shall not apply to streets in cities, or villages, unless the corporation be required to put up such boards, by the officers having charge of such streets.

Penalty for intoxication.

§ 40. If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of any car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

Penalty for injury to company.

§ 41. If any person shall wilfully do, or cause to be done, any act or acts whatever whereby any building, construction, or work of any such corporation, or any engines, machine or structures, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence.

Penalties, how recovered.

§ 42. All penalties imposed by this act may be sued for by the district attorney, and in the name of the people of the state of Illinois; and if such penalty be for a sum not exceeding one hundred dollars, then each suit may be brought before a justice of the peace.

Map and profile.

§ 43. Every such corporation shall, within a reasonable time after the road shall be located, cause to be made—

1st. A map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the secretary of state; and also like maps of the parts thereof located in different counties, and file same in the office for recording deeds in the county in which said parts of said road shall lie, there to remain as of record forever.

Certificate.

2d. A certificate, specifying the line upon which it is proposed to construct the railroad and the grades and curves.

To commence and complete road.

§ 44. If any such corporation shall not, within five years after its incorporation, begin the construction of it.

road and expend thereon ten per cent. on the amount of its capital, and finish the road and put it in full operation in ten years thereafter, its act of incorporation shall become void.

§ 45. All existing railroad corporations within this state shall respectively have and possess all the powers and privileges, and be subject to all the duties and liabilities and provisions contained in this act, so far as they shall be applicable to their present conditions, and not inconsistent with their several charters, and all railroad companies that are now constructing their roads may acquire title to lands necessary for that purpose under the provisions of this act.

Existing corporations.

§ 46. This act shall take effect and be in force from and after its passage.

APPROVED November 5, 1849.

AN ACT supplemental to an act entitled "An act to provide for a general system of railroad incorporations" In force Nov. 6, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the citizens of any city or county in this state are desirous that said city or county should subscribe for stock in any railroad company already organized or incorporated, or hereafter to be organized or incorporated under any law of this state, such city or county may, and are hereby, authorized to purchase or subscribe for shares of the capital stock in any such company, in any sum not exceeding one hundred thousand dollars for each of such cities or counties; and the stock so subscribed for or purchased, shall be under the control of the county court of the county or common council of the city making such subscription or purchase, in all respects as stock owned by individuals.

Stock may be subscribed.

§ 2. That for the payment of said stock, the judges of the county court of the county, or the common council of the city making such subscription or purchase, are hereby authorized to borrow money at a rate not exceeding ten per cent. per annum, and to pledge the faith of the county or city for the annual payment of the interest, and the ultimate redemption of the principal, or if the said judges or common council should deem it most advisable, they are hereby authorized to pay for such subscription or purchase in bonds of the city or county, making such subscription to be drawn for that purchase, in sums not less than fifty dollars, bearing interest not exceeding ten per centum per annum: *Provided*, that no bond shall be paid out at a rate less than par value.

May borrow money.

Bonds may be issued.

Fonds receive-  
ble.

§ 3. The railroad companies already organized or incorporated, or hereafter to be organized or incorporated under the laws of this state, are hereby authorized to receive the bonds of any county or city becoming subscribers to the capital stock of such company, at par, and in lieu of cash, and to issue their bonds, bearing interest not exceeding ten per centum per annum for any moneys by them borrowed for the construction for their railroad and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received as aforesaid.

Vote to be taken.

§ 4. No subscription shall be made, or purchase or bond issued, by any county or city under the provisions of this act, whereby any debt shall be created by said judges of the county court of any county, or by the common council of any city, to pay any such subscription, unless a majority of the qualified voters of such county or city, (taking as a standard the number of votes thrown at the last general election previous to the vote had upon the question of subscription under this act for county officers,) shall vote for the same; and the judges of the county court of any county, or the common council of any city, desiring to take stock as aforesaid, shall give at least thirty days' notice, in the same manner as notices are given for election of state or county officers in said counties, requiring said electors of said counties or said cities to vote upon the day named in such notices, at their usual place of voting, for or against the subscription for said capital stock which they may propose to make, and said notices shall specify the company in which stock is proposed to be subscribed, the amount which it is proposed to take, and the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear; or in case it is proposed to borrow money to pay such subscription, then the notices shall state the terms upon which such loan is to be effected; and the opinion of the electors shall be expressed upon their ballots "for subscription," or "against subscription," and counted and returned by the judges and clerks of elections as in other cases; and if a majority of the voters of said county or city, assuming the standard aforesaid, shall be in favor of the same, such authorized subscription or purchase, or any part thereof, shall then be made by said judges or common council. In case any election had under this act is held upon a day of a general election, then the number of votes thrown at such general election for county officers shall be the standard of the number of qualified voters as aforesaid. No bonds shall be issued under the provisions of this act by any county or city, excepting for the amounts required to be paid at the time of subscription, and for the amounts of and at the time when assessments upon all the stockholders

Notice.



of said company shall be regularly assessed and made payable.

§ 5. This act shall take effect from and after its passage.

APPROVED November 6, 1849.

AN ACT to authorize the formation of navigation and manufacturing companies on the Little Wabash and Saline rivers, and other navigable streams susceptible of slack-water navigation. In force Jan. 5, 1850.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any number of persons, not less than twenty-five, being the subscribers to the stock for the improvement of the navigation of the Little Wabash or Saline river, or any other navigable stream susceptible of slack-water navigation, the creation of water power on either of said streams, and the building and erecting mills and machinery of all kinds, on or near said streams, in the way deemed best for the public good, may be formed into corporations for the purpose aforesaid, upon the complying with the following requirements: When stock to the amount of ten thousand dollars for every dam and locks intended to be built for the improvement of such navigation, shall be subscribed in good faith, then the subscribers may elect directors for the said company, and thereupon the subscribers shall severally subscribe articles of association, in which shall be set forth, the name of the corporation; the number of years the same is to continue—which shall not exceed fifty years—the names of five commissioners to open books of subscription to the stock; the amount of the capital stock of said company; the number of dams, locks, tow-paths, and other devices for the improvement by slack-water navigation of such portion of either of said streams as may be selected by such company or companies; the number of directors, and their names, who are to manage the operations of the company, and hold their offices until their successors are elected; the place or places at which the improvements are to be constructed, and the signing by the subscriber his name, place of residence, and number of shares taken by him.

§ 2. After the payment of ten per cent. on the amount of stock subscribed thereto shall have been made in cash, to the directors named therein, which shall be indorsed thereon by the directors, and verified by the affidavit of three of such directors, the articles of association shall be filed in the office of the secretary of state, and a certified copy thereof shall be presumptive evidence of the incorporation of such company under the provisions of this act.

Corporate powers.

§ 3. When the articles of association shall be filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, by the name specified in such articles of association, and may make and use a common seal, make by-laws for the regulation of its officers and business, make contracts, sue and be sued, buy and sell, hold and convey such real and personal estate as may be necessary to carry out the purposes of the company.

May improve streams.

§ 4. The said company or companies shall have power to improve as aforesaid the navigation of said streams, or either of them, or so much of either of them as selected by any association or company formed under this act, by the construction of dams, locks, tow-paths, and such other devices as it or they may deem necessary to make slack-water navigation upon the streams aforesaid, or upon either of them, or upon such parts as may be selected by such company or companies; and shall have power to erect mills, buildings, mechanical or manufacturing works, in connection with the use of the water power so created, in any way consistent with the improvement of the navigation of said streams.

§ 5. The capital stock of any association formed under this act, shall be divided into shares of fifty dollars each, the whole of which shall be the amount to be employed in the purposes aforesaid, not exceeding in any one company the sum of two hundred thousand dollars. The said capital stock shall be considered as personal property, and the same may be transferred in such way as the articles of association shall prescribe.

Books to be opened.

§ 6. Books for the subscription of the capital stock of companies formed under this act, shall be opened by the companies at such times and places, upon notice given, as a majority of the directors prescribe from time to time. The one tenth of the capital stock subscribed shall be paid in cash, at the time of the subscription, and the residue at such times and in such instalments as the board of directors may prescribe; and unless such instalments are paid as called for in the manner aforesaid, the stock so subscribed shall be forfeited.

Election of directors.

§ 7. As soon as practicable after such capital stock shall [have] been subscribed as aforesaid, the commissioners appointed to take subscription shall appoint a time and place for the meeting of the stockholders to choose directors. Such meeting shall be held at or near the contemplated work, and notice thereof shall be publicly given in some public paper most convenient to such place, at least twenty days previous to such meeting. Seven directors shall be chosen at such meeting by the stockholders, or a majority thereof, being citizens of the United States and present in

person or by proxy, and every stockholder shall be entitled to one vote for every share owned by him. No person shall be a director unless he be a stockholder in his own right, and a citizen of this state. The directors shall be elected for one year, and until their successors are elected to fill their places. At such meeting the stockholders shall designate one of the board of directors as president of the company, and shall also elect such subordinate officers as may be required by the articles of association and by-laws of the company, who shall enter into security for the performance of their duties. President, &c.

§ 8. The directors shall call in and demand of the stockholders the sums of money subscribed, and the instalments imposed, under the penalty of forfeiting the same, upon sixty days demand and notice having been first made. Payments.

§ 9. The president and directors of any company formed under this act, shall have the exclusive management of the operations of such company, and shall have power to make by-laws and regulations of the company and the management of its business not inconsistent with the laws of this state, prescribing the duties of the officers, artificers, and servants employed, for the appointment of subordinate officers, and for carrying on all the business within the objects and purposes of the company. Management

§ 10. All stockholders shall be severally and individually liable to the creditors of such company to an amount equal to the amount of stock respectively held by them, for all debts and contracts made by such company. Liabilities.

§ 11. Any company formed under the provisions of this act shall have power to enter on such part of either of said rivers as may be embraced in the articles of association, and on the land on either side, to hold and use the same so far as is necessary for the purposes of such company, for the objects aforesaid, and to use the timber, rocks, gravel, earth, and other material which may be found thereon, in the construction of their works: *Provided*, that the said company shall pay to the owners of said lands occupied by them as aforesaid, or the proprietors of the water power on either of said streams, from which material may be drawn as aforesaid, the value of the land so occupied, the privileges so enjoyed, the materials so taken, or the damage so done: *And provided, further*, that such value or damage shall be ascertained or assessed, or compensation made, in the manner following: either party may file a petition, setting forth the facts in the circuit court of the county having jurisdiction of the place or property; or in cases where two counties may have jurisdiction, then in either of them, and praying the appointment of commissioners as hereinafter mentioned. A copy of such petition shall be served at least ten days previous to the term of the court to which Privileges.  
Proviso.  
Further proviso.

application is made upon the opposite party, who may file a counter statement, and thereupon the court shall appoint five disinterested freeholders, who shall be sworn as arbitrators are sworn, and whose duty it shall be to examine the premises, hear testimony, under oath, and assess the value or damages; any three of said freeholders shall be competent to act in the premises. Reasonable notice of the time and place of ten days shall be given, to all the freeholders, and to the opposite party by the applicants. In assessing the value of any land taken or damages incurred, the freeholders shall estimate its full value for ordinary uses, without regard to the increased value which might accrue from the works or improvements contemplated by the company, and in all their assessments, except for timber, the said freeholders shall take into consideration, by way of mitigation, the advantages which would result to the owners by the contemplated improvements of the company. The said freeholders shall report their award in writing, under their hands, to the said circuit court, at its term following such assessment, and the same shall have the force of a verdict. On good cause shown a new trial may be awarded by the court, and if granted, such trial shall be had as on appeals from a justice of the peace, and tried in said court; and on such award, or on such new trial, judgment shall be entered and execution shall be issued and executed as in other cases, and said company shall pay the costs incurred by said proceedings.

Privilege of  
water power.

§ 12. Any company formed under the provisions of this act, shall have the privileges and be entitled to use of the water power from the said rivers, and shall in fee lease or rent for one or more years the said water power, on such terms as shall be most advantageous to the corporation: *Provided*, the use of the water power shall not impede the navigation of said river, and that the money arising from said water power shall be applied to the benefit of the company.

Provi-o.

May purchase  
land.

§ 13. If at any lock, dam, or other point, there shall be surplus water power, applicable to hydraulic purposes, and when the interest of the company and public convenience shall require the application of such water power to machinery, it shall be the duty of the company to propose to purchase from the owner or owners such parcels of the adjoining lands as may be necessary for the use of such water power, and to submit the determination of the quantity of land necessary, and the price to be paid therefor, to arbitration, according to the law respecting arbitrations in force at the time. In case the owners shall refuse to appoint arbitrators, the company formed as aforesaid may, by petition, apply to any court or justice of the peace of the proper county, who may appoint arbitrators; said arbitrators shall



estimate the full value of the said land for ordinary uses, independent of any additional value given to it by the works of the company, or by reason of its convenience to the use of such water power, and also without affecting any benefit which the owner may have acquired to other property by reason of the said works. In case either party shall refuse compliance with the award of the arbitrators, rendered according to law, the same proceedings shall be had in the circuit courts of the county, where the said land or part thereof is situated, as in other cases of awards, and on the rendition of final judgment or decree in such case, the said court shall enforce the payment of the price of the land, by the company to the owner, and the conveyance of the land free from all incumbrance by the owner to the company, as on bill in chancery according to the practice of the court.

§ 14. Any company formed under the provisions of this act, shall have power to fix and regulate, from time to time, uniform and reasonable rates of toll and water rents. Tolls.

§ 15. If any person or persons shall wilfully or negligently do, or cause to be done, any damage to any improvements, buildings, or structures, appertaining to works of such company or companies, such person or persons shall be liable to pay to said company or companies, three times the amount of such damage done, which may be sued for and recovered in the name of such company or companies, in an action of debt, before any court having jurisdiction of the case, and such person or persons shall also be liable to indictment and punishment, in the same manner as is now provided by law in cases of malicious mischief. Penalty for damage.

§ 16. Companies to be formed under this act shall make no charge for the navigation of any of said streams, except for passing through the locks which may be constructed, but money expended in removing snags and other impediments may be included in the estimates of the expense of such locks and dams. Limitation.

§ 17. Whenever the nett receipts of any such company shall exceed fifteen per cent. on the whole capital invested, the surplus shall be paid into the county treasury of the county in which such works may be located, and the board of directors shall, at their first meeting thereafter, reduce the rates of toll, so that the nett receipts shall not exceed fifteen per cent. Surplus profits.

§ 18. In no case shall any steam or flat boat be subject to pay toll under this act for passing over any such dam, when the depth of water will enable them to make such passage without using the locks. Boats navigating the Saline river, shall in no case be required to pay any fees or tolls for passing through any lock or locks, or dams erected across said river, any thing in this act to the contrary notwithstanding. Not subject to toll.



§ 19. This act shall not apply to any stream or a part of any stream now usually navigated at any season by steamboats, nor shall it effect any act of incorporation heretofore granted.

APPROVED November 6, 1849.

In force Dec.  
28, 1849.

AN ACT to incorporate the Illinois General Hospital of the Lake.

INCORPORATION. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, for the promotion of the cause of benevolence and the relief of the sick, by uniting the efforts of those disposed to contribute to said object, Hon. Mark Skinner, Hon. Hugh T. Dickey, and Dr. John Evans, with others when appointed or elected as hereinafter provided for, and until such election, be and they are hereby created a body politic and corporate, to be styled and known as "The Trustees of the Illinois General Hospital of the Lake," and by that style and name to have perpetual succession.

Object of incorporation.

§ 2. The object of this incorporation shall be the relief of the sick, by affording them hospital care and treatment, and contemplates provisions for medical, surgical, insane, and lying-in departments, to be established or opened as may be deemed advisable or expedient by the board of trustees, in or near the city of Chicago, in Cook county; which shall be for the reception and treatment of all forms of non-contagious curable diseases and lying-in patients; and the corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object.

Books to be opened.

§ 3. The trustees shall proceed to open books for and receive subscriptions, or donations, benefits, bequests, &c., in money, personal property or real estate, and hold, apply, or dispose of the same for the sole use of said hospital, in such way and manner as they may deem proper, and as shall be most beneficial to the institution; and as soon as contributions to the amount of five thousand dollars shall have been received by them for said object, they shall call together, by written notice, at a specified time and place, a meeting of all those who may have contributed to the amount of twenty dollars or more; who shall elect three persons to be members of the board of trustees, in addition to those herein named. The members of the board shall then proceed to determine by lot the term of service of each member; two of whom shall serve for three years, two for two years, and two for one year, from the date of said election, and until successors are elected. Until said election the board shall have power to fill any vacancy that may occur in it.

Election of trustees.

§ 4. There shall be annual meetings of the contributors <sup>Meetings.</sup> to the hospital, from the date of the above election, who shall fill all vacancies in the board at each meeting, which shall be called by public notice, and those who attend shall have power to act in said election; each contribution of twenty dollars entitling the contributor to one vote in said election.

§ 5. Said trustees shall have power, in their corporate <sup>Corporate power -</sup> capacity and name, to hold property, for the use of the institution, to buy, sell, and convey the same, sue and be sued, plead and be impleaded, and do all other acts that natural persons may of right do. <sup>ers.</sup>

§ 6. The trustees shall adopt a code of laws for the government of the institution: *Provided*, there is nothing in <sup>By-laws.</sup> them that will conflict with the provisions of this charter, <sup>Proviso.</sup> with the constitution and laws of the United States, nor of the state of Illinois.

§ 7. They shall have power to create and fill all offices <sup>Create offices.</sup> deemed necessary in the institution: *Provided*, that no officer shall receive any compensation for his services except <sup>Proviso.</sup> he devote his time principally to the service of the institution.

§ 8. No officer of the institution shall be engaged, either <sup>Prohibition.</sup> directly or indirectly, in furnishing any building materials, furniture, lands, fixtures or tenements to the hospital, except it be his free gift or contribution.

§ 9. The city council of the city of Chicago, and the county commissioners of the several counties of this state <sup>City and county privileges.</sup> shall each be authorized to send to the hospital their sick poor, and to contribute as they may deem expedient to the hospital: *Provided*, patients sent by them shall be received <sup>Proviso.</sup> and treated at the lowest possible expense consistent with the care they require.

§ 10. The trustees shall, as soon as the institution is opened for the reception of patients, make rules and regulations in reference to the admission of patients, fix the <sup>Trustees to fix terms, &c.</sup> terms and publish the same: *Provided*, patients supported <sup>Proviso.</sup> by any benevolent institution or association shall be at the least possible expense consistent with the care given them.

§ 11. The wards of the hospital shall forever be open, <sup>Wards to be open.</sup> under proper restrictions and regulations, to be adopted by the trustees, for the admission of persons studying the nature of diseases and their treatment.

§ 12. The property of this institution shall be exempt <sup>Exemption.</sup> from taxation.

APPROVED Oct. 29, 1849.

In force Nov.  
5, 1849.

AN ACT for the incorporation of the Chicago Orphan Asylum.

- Incorporation.** SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as are now members of the association denominated "The Chicago Orphan Asylum," and their associates, be and they are hereby constituted a body corporate and politic, by the name and style of "The Chicago Orphan Asylum," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said incorporation, as fully and completely as a natural person might or could do.
- Object.** § 2. The object and purpose of said corporation shall be the protecting, relieving, educating of, and providing means of support and maintenance for the orphan and destitute children in the city of Chicago.
- Qualification of members.** § 3. Any person may become a member of said corporation by paying to the treasurer thereof, the sum of twenty-five dollars (\$25;) which may include as part thereof any sum which has heretofore been paid by such person to the aforesaid association: *Provided*, that said corporation may by its by-laws provide for the admission of annual members, on such terms and with such privileges as they may deem proper.
- Officers.** § 4. The officers of said corporation shall be a president, a vice president, a treasurer, a secretary, and eleven trustees, who shall be elected from the members of the said corporation by ballot, at the annual meeting of the members, and shall hold their office for one year and until others be elected in their stead; and in case of any vacancy or vacancies in either of the said offices, by death, resignation, or otherwise, the board of trustees shall have power to fill such vacancy or vacancies until the next annual meeting. The president and secretary of the said corporation shall, *ex officio*, be president and secretary of the board of trustees, and be associated with the said board in all matters of business pertaining to the said corporation.
- Powers of trustees.** § 5. The estate and concerns of the said corporation shall be managed by a board, consisting of the president, secretary, and trustees, a majority of whom shall form a quorum for the transaction of business, who shall have power, in pursuance of the by-laws of the said corporation, to appoint and at pleasure remove such subordinate officers and agents, superintendents, teachers, and servants, as the business of the corporation shall require, and not to allow them a suitable compensation.

§ 6. In case of death or legal incapacity of a father, or his abandoning or neglecting to provide for his family, the mother shall be deemed the legal guardian of her children, for the purpose of making a surrender of them to the charge and custody of the trustees of the said corporation; and in all cases where it is not known that there is within the state any person legally authorized to act in the premises, the mayor of the city of Chicago shall, *ex officio*, be the legal guardian for the like purpose, and such guardianship shall extend as well to children already in the care of the aforesaid association, as to those who may hereafter be offered for admission or received into the said asylum; and, in either case, whether such surrender may be made by the mother, or by the mayor of the said city, or whether before or after admission in the said asylum, it shall be deemed a legal surrender for the purposes and within the true intent and meaning of this act.

Guardians of  
orphans.

§ 7. When a child shall be surrendered to the charge and direction of the trustees of said corporation, by an instrument in writing, signed by the parent or guardian of such child, or by the mayor of said city of Chicago, in manner and form as may be prescribed in and by the by-laws of the said corporation, the trustees may, in their discretion, bind out such child to some suitable employment, in the same manner as poor and indigent children may now be bound out according to the laws of this state; but proper provisions shall in every case be made and inserted in the indentures by which such child shall be bound to service, for securing an education proper and fitting for the condition and circumstances in life of such child.

Orphans may be  
bound.

§ 8. The said corporation may receive, take and hold, as well by gift, purchase, devise or bequest, or otherwise, any real or personal estate, for the uses and purposes herein contemplated, whether the same be purchased by, or given, devised, bequeathed, or conveyed directly to such corporation, or to its officers or trustees, or otherwise, for the use of the said corporation; and all the money and property heretofore donated to the aforesaid association is hereby vested in said corporation.

May acquire  
property.

§ 9. The said corporation shall have power to make by-laws, rules and regulations, for the admission of its members and their government, the election of its officers, and the appointment of agents, superintendents, teachers and servants, and for regulating their duties and government, for the expelling of its members, and for the safe keeping and protection of its property and funds.

May make by-  
laws.

§ 10. The annual election for officers of the said corporation, shall be held on the second Thursday in December in each year, or on such other day as the said corporation in and by its by-laws may appoint; and the next annual elec-

Time of elec-  
tion.



Proviso.

tion for officers of the said corporation shall be held on the second Thursday of December next after the passage of this act: *Provided*, that the officers of the aforesaid association shall be the officers of said corporation until an election shall have been held under this act.

Right reserved.

§ 11. This act shall take effect immediately, and the legislature may at any time alter, amend or repeal the same.

APPROVED NOV. 5, 1849.

in force Nov. 3, 1849. AN ACT to amend an act entitled "An act to incorporate the town of Canton, and in aid of the revenue laws," approved February 8, 1849.

Part of act repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That so much of section eighty of an act entitled "An act to incorporate the town of Canton," approved February 8th, 1849, as exempts the inhabitants of said town corporate of Canton from the payment of any county tax, other than road tax, on any property, real or personal, within one mile from the centre of said town, be and the same is hereby repealed.

§ 2. The collector of the county of Fulton shall, and hereby is required to collect all and any county tax, other than road tax, levied and assessed by the proper authorities of the county, under the general revenue laws of the state, now in force and approved February 8th, 1849, for the year A. D. 1849, on all property, either real or personal, lying and being within one mile of the centre of said town corporate of Canton, the same as if said town had not been incorporated.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED NOV. 3, 1849.

in force Nov. 5, 1849.

AN ACT to amend the several laws concerning limitation of actions.

Limitations of 16 years.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all actions founded upon any promissory note, simple contract in writing, bond, judgment, or other evidence of indebtedness in writing, made, caused or entered into after the passage of this act, shall be commenced within sixteen years after the cause of action accrued, and not thereafter.



§ 2. All actions founded upon accounts, bills of exchange, orders, or upon promises not in writing, express or implied, made after the passage of this act, shall be commenced within five years next after the cause of action shall have accrued, and not thereafter. Of five years.

§ 3. *Be it further enacted*, That this act and the several acts to which this is an amendment, shall be subject to the several provisions, conditions and restrictions contained in the twelfth and thirteenth sections of the sixty-sixth chapter of the Revised Statutes of this state.

§ 4. So much of the sixty-sixth chapter of the said Revised Statutes, entitled "Limitations," as is in conflict with this act, is hereby repealed; and so much of the said act amendatory thereof, passed February tenth, one thousand eight hundred and forty-nine, as is inconsistent with this act is hereby repealed: *Provided, always*, that the several acts aforesaid shall be hereafter, in all actions instituted upon causes of action arising during the period in which said laws were respectively in force, be the rule of limitations and adjudication in all such cases, and that neither this act nor said amendatory act shall be so construed as to limit or affect the right of action upon any matter of indebtedness or cause of action existing or accruing before their several enactment. Act repealed.  
Proviso.

§ 5. No action of debt shall be maintained on any open account or any promise, not in writing, unless the same be brought within five years next after the cause of action accrued; but if said cause of action has accrued five years before the passage of this act, then such action shall not be maintained, unless the suit is brought within two years next after the passage of this act. Action to be brought in two years.

§ 6. This act to take effect from and after its passage.  
APPROVED Nov. 5, 1849.

AN ACT to amend the several acts concerning the public revenue.

In force Nov. 6,  
1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter the clerk of the county court shall, on or before the first day of March in each year, cause to be delivered to the assessor of his county, in a well bound book, a correct transcript of all the real estate subject to taxation, made out in numerical order, together with the names of the original purchasers, or present owners; and shall, at the same time, deliver to said assessor a blank book or books, ruled and headed suitable for his use in making the assessment. Said books to be in the form now required by law. Duty of clerk.

- Duty of assess-  
 or.     § 2. The assessor shall assess the property as now re-  
 quired by law, and make return thereof on or before the first  
 day of October thereafter.
- Clerk to deliver  
 tax books.     § 3. The clerk shall deliver the tax books to the collector  
 on the first Monday in December, or so soon thereafter as he  
 may be qualified: *Provided*, that this section shall not ef-  
 fect the revenue of the year 1849.
- Proviso.
- Collector to file  
 bond.     § 4. At the December term of the county court, in each  
 year, and before receiving the tax books, the collector shall  
 file a good and sufficient bond, as is now provided for by  
 law, to be approved by said court, which shall be recorded  
 and forwarded to the auditor of public accounts, together  
 with a certificate of the facts, within three days after the  
 adjournment of said court: *Provided*, that this section  
 shall not apply to bonds for the collection of the taxes of  
 1849.
- Proviso.
- Notices to be  
 posted up.     § 5. The notice of the time of attending at the precincts  
 for the purpose of receiving the taxes, required by law,  
 shall be advertised and posted up, at least two weeks prior  
 to the time specified for meeting in the precincts. So much  
 of the law as requires three weeks' notice is hereby re-  
 pealed.
- Change of time.     § 6. The collector, by himself or agent, shall attend at  
 his office, during the month of February, for the purpose  
 of receiving the taxes, instead of the month of January, as  
 now required by law, and said collector shall not distrain  
 or sell personal property for taxes before the first day of  
 March, and not until he has attended the precincts for the  
 purpose of receiving said taxes.
- Delinquent list,  
 how published     § 7. The advertisement of the list of delinquent lands  
 and town lots, required by law to be published before the  
 rendition of judgment and sale of real estate for taxes,  
 shall be so published on or before the seventh day of May,  
 and the sale shall be made on the second Monday in June  
 annually: *Provided*, that said sale may be continued from  
 day to day, until all the property is sold. So much of the  
 5th section of an act entitled "An act to amend the several  
 acts concerning the public revenue," approved February  
 8, 1849, as requires the advertisement mentioned in said  
 section to be published four weeks previous to the June  
 term of the county court, and the sale to be made on the  
 third Monday next succeeding the term of the court, is here-  
 by repealed.
- Proviso.
- Collector to set-  
 tle.     § 8. The collector shall present to the court, at the  
 June term thereof, his list of abatements, and shall make a  
 final settlement with the county at said term, except for  
 the amount of taxes due on the delinquent real estate, which  
 he shall account for and pay over to the treasurer within  
 five days after the sale.

§ 9. The clerk shall make out a correct transcript of the sales, in form as required by law, and a certified statement, showing the value of the property, and the amount of state and county tax abated by the court, and within five days after the sale shall deliver the same to the collector, securely enveloped, sealed and directed to the auditor; and it shall be the duty of the collector to deliver said sale list and certificate to the auditor, and make a final settlement, and pay into the state treasury the full amount due from him to the state, on or before the first day of July.

Transcript to be made and delivered.

§ 10. Upon the final settlement of any account, the auditor shall give the collector a certificate, under seal of his office, setting forth that said collector has settled and paid into the state treasury the full amount due from him on said account; and it shall be the duty of the collector to file said certificate in the office of the clerk of the county court, on or before the first day of August next, after receiving the tax books. If any collector shall neglect or refuse to file said certificate, as above required, the clerk shall leave a written notice at the office of said collector, requiring him to appear before the county court at the September term thereof, and show cause why he has not filed the certificate aforesaid; and if the collector shall not show that he has paid over the full amount due from him, and made a final settlement with the state and county, or that he has a just and reasonable excuse for failing to do so, his office of sheriff shall be declared vacant.

Duty of auditor.

Duty of collector.

§ 11. In case of the death of any collector during the time that the tax books are in his hands, and before the time specified in this act for selling the delinquent real estate, the clerk of the county court shall demand and take charge of the tax books, and thereupon shall forthwith notify the judge of said court of the fact, and said judge shall appoint one or more competent persons to examine said tax books, and it shall be the duty of the person or persons so appointed to ascertain the amount remaining uncollected, and make out a correct abstract of the same: *Provided*, that should there be but a small portion of the taxes collected at the time of the death of the collector, then the amount actually collected shall be ascertained, and the same books used in completing the collections.

Duty of clerk.

Duty of judge.

Proviso.

§ 12. In case of a vacancy, as mentioned in the foregoing section, the county court may appoint a suitable person to complete the collections, who shall execute a bond, collect and pay over the taxes in the same manner, and his acts shall be as binding and effectual, as the collector's would have been had he completed the collections, and the court may, if the circumstances of the case require it, allow the said collector further time to complete the collections and make settlement; which shall not be for a longer time than

Vacancy, how filled.

Proviso.

three months over and above the time allowed to collectors by this act. And the collector so appointed may obtain judgment at the September term of the county court, and sell delinquent lands and lots in like manner as collectors are authorized to do at the June term: *Provided*, that if the collector had attended in the precincts for the purpose of collecting the taxes, or had advertised the delinquent land list before his death, it shall not be necessary for his successor, or the person appointed, to complete the collections, to attend in said precincts, or re-advertise; but he shall proceed to finish the collections in the same manner as the collector would have been authorized to do if he had lived: *Provided, further*, that if the circumstances of the case will permit of the necessary delay, or the court shall be unable to find a suitable person willing to complete the collections aforesaid, the sheriff elected to fill the vacancy shall complete the collections and make settlement as specified in this section.

Further proviso.

Proceedings in case of failure.

§ 13. If any collector shall be unable to obtain judgment on the delinquent land list at the June term of the county court, from any cause whatever, he may obtain judgment at any subsequent term of said court, by giving notice of the intended application and sale; which notice shall contain all the facts required by law, and shall be once published, at least four weeks previous to the first day of the term at which the judgment will be prayed, and the sale shall be on the Monday next following the first day of said term:

Proviso.

*Provided*, that the statute allowing the redemption from tax sale of the lands of infants, *feme coverts* and lunatics, shall be so construed as to authorize such redemption by their guardians or legal representatives, from and after the day of sale to the time now limited by the statutes for such redemption.

Penalty of collector.

§ 14. If any collector shall, by his own neglect, fail to obtain judgment at the June term of the court, or shall fail to present his list of delinquencies on personal property, or of errors in assessment at said term, he shall lose the benefit thereof, and shall pay to the state and county the full amount charged against him, after deducting his fees for collecting: *Provided*, that if for any cause the court do not sit at the June term, the collector shall be allowed further time to pay over the amount due on the delinquent list.

Proviso.

Suits, when brought.

§ 15. All suits or applications for judgment and order of sale for the taxes on delinquent lands and town lots, shall be made at the terms of the county court sitting for the transaction of county business: *Provided*, that if, for any cause, the court shall not be holden at the term at which judgment is prayed, the cause shall be continued, and it shall not be necessary to re-advertise the list or notice required by law to be advertised before judgment and sale:

Proviso.

Further proviso.

*Provided, further*, that the term of the court at which



the collector shall obtain judgment on the delinquent land list, shall not be continued for a longer time than six days from its commencement.

§ 16. The printer publishing the list of delinquent lands and town lots, shall transmit by mail, or other safe conveyance, to the collector, four copies of the paper containing said list. Upon the receipt of said papers, the collector shall pay to the printer the amount of the fees allowed by law for publishing said list and notice; and it shall be his duty to file one copy of said paper in his office, and deliver one copy to the clerk of the county court, and one copy to the auditor of public accounts, and one copy to the state treasurer, who shall file and safely preserve them in their respective offices: *Provided*, that if said publication is not made in accordance with the requirements of the law, or the papers above mentioned are not furnished the collector before the first day of the term of the court, at which judgment is prayed, the collector shall not pay said fees until they are collected by him.

§ 17. If any collector shall neglect or refuse to pay the amount due the printer, as required by the act, it shall be competent for the printer to forward two copies of the paper containing the advertisement, with a statement of his account, and of the facts in the case, to the auditor of public accounts, and if the auditor be satisfied that the amount ought to be paid, he shall issue his warrant on the treasurer for the amount due, and charge the same to the collector: *Provided*, that said papers and statement be presented to the auditor on or before the day of sale. Any printer who shall so demand payment from the auditor, after he has received pay from the collector, or shall receive payment from the collector after he has forwarded the demand on the auditor, shall forfeit and pay to the state double the amount of said account, to be recovered in any court having jurisdiction of the amount.

§ 18. The auditor shall credit the collector with the amount of the printer's fees on the property forfeited to the state, and the clerk shall annually add to the taxes of the year following the amount for which the tract or lot was forfeited, including the printer's fees, and six per cent. interest, for one year from the date of the last sale. The amount of said fees to be paid into the state treasury, when collected, and the additions to be continued from year to year, until the whole amount due on said tract or lot is collected. All laws authorizing the clerks of the county courts to receive the redemption money on property forfeited to the state, are hereby repealed.

§ 19. If, upon the final settlement of any account, it is ascertained that the collector has paid into the state treasury a greater sum than is justly due from him to the state,



the auditor shall refund the same, by issuing his warrant on the treasury for the amount so overpaid.

Fines to be paid  
to sheriff.

§ 20. Every justice of the peace, or other officer, who may have collected any fine imposed by virtue of the seventh section of chapter eighty-nine of the Revised Statutes, shall, within three months from and after the passage of this act, pay the amount so collected and due the state, to the sheriff of his county, and take duplicate receipts therefor, one of which he shall forward by mail to the auditor of public accounts; and hereafter it shall be the duty of the officer collecting any such fine, to report the same to the clerk of the county court within three days thereafter, and pay the amount so collected over to the sheriff; and the clerk shall file said report in his office, and forward a certified copy thereof to the auditor. And it shall be the duty of the sheriff of the several counties to demand and receive the amount of any such fine, and pay the same into the state treasury. Every officer neglecting or refusing to comply with the requirements of this section, shall forfeit and pay to the state double the amount received by him, and shall be removed from his office.

Duty of sheriff.

Penalty of officers.

Licenses, how  
obtained.

§ 21. Any person desiring to obtain a license from the state, as provided for in the seventh section of chapter eighty-nine of the Revised Statutes, shall apply to the auditor of public accounts, who shall issue his order to the treasurer, directing him to receive from said person the amount required by law for said license; and upon the presentation of the treasurer's receipt, the auditor shall issue a license, under the seal of his office, which shall be countersigned by the treasurer, and shall have the same force and effect as the licenses heretofore issued by the secretary of state. So much of the above recited chapter as authorizes the secretary of the state to grant licenses, is hereby repealed.

Auditor to settle with printers.

§ 22. If the time of holding the circuit court in any county in this state has been so changed by law, as to prevent the collector from obtaining judgment on the delinquent land list, or the court did not sit at its regular term, in consequence of which the fees for advertising said delinquent list were not collected and paid to the printer, the auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer in favor of any such printer for the amount of fees allowed by law.

Laws repealed.

§ 23. All acts and parts of acts conflicting with this act, are hereby repealed; and the auditor shall furnish the revenue officers of the several counties with a copy of this act.

§ 24. This act to take effect and be in force from and after its passage.

APPROVED November 6, 1849.

AN ACT to legalize the assessment in certain counties.

In force, Nov.  
6, 1849

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment in the county of Kane for the taxes of the year 1849, be and the same is hereby declared to be as good, valid and effectual as if it had been made and returned in strict conformity to law: *Provided*, that the provisions of this section shall apply to the assessment in each and every county in which the assessment has not been completed and returned as provided for by law. Assessment  
lid.

§ 2. When the assessment has not been completed and returned within the time specified in the revenue law, the county court may allow abatements on over-assessments, at any term of said court prior to the June term thereof. This act to take effect and be in force from and after its passage. Abatements al-  
lowed.

APPROVED November 6, 1849.



## JOINT RESOLUTIONS.

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JOINT RESOLUTIONS of instruction relative to the Atlantic and Pacific railroad.

1st. *Resolved by the Senate, the House of Representatives concurring,* That we cordially approve of the general proposition of constructing a national railroad, commencing at some point on the eastern line of the territories lying between the states and the Pacific ocean, on such route as shall, after due and proper explorations, be found most practicable.

Approval of  
Pacific rail-  
road.

2d. *Resolved,* That the eastern terminus of said road should be fixed at such point as shall be found the most easy of approach to an union with the great chains of eastern and western railroads, running through the states to the Atlantic, now in progress of construction, and without special regard to the interest of any town or city.

Terminus.

3d. *Resolved,* That in our opinion a point as far north as Council Bluffs, or between that and the mouth of the Kansas river, for the eastern terminus of said national railroad, is the most eligible point for a union of said road with the before mentioned railroads, leading easterly through the states, to the great commercial marts on the Atlantic, thereby alike subserving the best interest of the cities of the lakes, the interest of the interior of Ohio, Indiana, Illinois and Missouri, and country south of the Ohio river.

Most eligible  
point.

4th. *Resolved,* That our senators in congress be instructed, and our representatives requested, to conform their action on the subject embraced in these resolutions to the principles herein expressed.

Instruction to  
delegation to  
congress.

5th. *Resolved,* That we hereby rescind all former resolutions on the subject, incompatible with the opinions herein expressed, and that a copy hereof be transmitted to each of our senators and representatives in congress.

Resolutions re-  
scinded.

## JOINT RESOLUTION relative to amending the constitution.

Preamble.

Whereas the fifteenth article of the constitution of the state of Illinois provides "that there shall be annually assessed and collected a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon and to that extent in extinguishment of the principal of said indebtedness;" and whereas said provisions do not accord with the wishes of the creditors of the state, and involve much inconvenience and irregularity, as well as considerable expense in the application and keeping of the accounts necessarily attending the said apportionment; and whereas it is of great importance to the interests of the state that some means be adopted at the earliest possible day by which the gradual liquidation, reduction and ultimate payment of the state debt may be effected; therefore,

Substitute proposed.

*Be it resolved by the Senate, the House of Representatives concurring herein,* That the following article be and the same is hereby proposed as a substitute for, and to stand in place of the fifteenth article of the constitution of the state of Illinois, to be acted upon in the manner provided in the second section of the twelfth article of the constitution.

## ARTICLE 15TH.

Alteration of constitution.

There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and constitute a *sinking fund*, to be used in such manner as may be prescribed by law, for the purpose of purchasing, in open market, any of the indebtedness of the state, bearing interest, other than the canal registered indebtedness, the school indebtedness, and such other indebtedness as is not fully recognized by the laws of the state.

## JOINT RESOLUTION relative to flogging in the navy of the United States.

Congressional delegation instructed.

*Resolved by the Senate and House of Representatives of the General Assembly of Illinois,* That our senators be in-



structed, and our representatives in the congress of the United States be requested to use their best exertions to have the punishment of flogging abolished in the navy of the United States.

*Resolved*, That his excellency, the governor, be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress. Governor to forward copies.

JOINT RESOLUTION of instructions relative to removal of obstructions in the Mississippi river.

*Resolved by the Senate, the House of Representatives concurring herein*, That our senators be instructed, and our representatives in congress requested to use their exertions to procure appropriations from the general government to remove the obstructions in the rapids of the Upper Mississippi, and the Des Moines Rapids. Congressional delegation to ask appropriation.

JOINT RESOLUTION of instruction to the secretary of state.

*Resolved by the Senate, the House of Representatives concurring*, That the secretary of state be instructed to place at the disposal of each university and college in this state, a copy of the laws and the journals of each house. Secretary of state to furnish laws, &c.

JOINT RESOLUTION relative to the survey of routes for the Pacific railway.

*Resolved by the House of Representatives, the Senate concurring herein*, That our senators and representatives be requested to use all proper means in their power to procure, immediately, a liberal and sufficient appropriation by congress for an extensive and thorough survey of the mountains and intermediate country dividing the western boundary of the states from the Pacific ocean, with the view of connecting these oceans, or their navigable waters, by a national railway. And as soon as this appropriation shall have been made, that they be requested to call upon the chief magistrate and urge the necessity of a large and efficient corps of engineers to complete the preliminary and Delegation instructed to procure survey.

Copies to be  
furnished.

first step of this great work of the age, with as little delay as possible, and that our senators and representatives be furnished with copies of this resolution.

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JOINT RESOLUTION relative to publishing the laws.

Laws to be pub-  
lished.

*Resolved by the General Assembly,* That the secretary of state be instructed to publish all laws of a general nature, passed at the present session of the general assembly, which take effect from their passage, or which take effect immediately thereafter, in the "Illinois State Register," "Illinois Journal," and "Illinois Organ," immediately after the adjournment of the general assembly; which laws, when so published, shall be evidence of what therein is provided: *Provided,* that the cost of publishing the said laws shall not exceed thirty dollars to each of said papers, and that one copy of each of said papers shall be furnished to the clerks of the circuit and county courts of each county in this state.

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JOINT RESOLUTION authorizing the governor to procure a stone for the Washington Monument.

Governor to  
procure stone.

*Resolved by the Senate, the House concurring herein,* That the governor be respectfully requested to provide a suitable stone, to be procured from some quarry in Illinois, and to be presented by him, in the name of the people of the state, to the "Washington National Monument Society," for the purpose of being placed in the monument to be erected to the memory of the Father of his country.

Governor to  
pay expense.

*Resolved,* That the governor is hereby authorized to defray the expense of procuring and transmitting the said stone, out of the contingent fund.

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JOINT RESOLUTION relative to the laws, journals, copying, &c.

Laws to be  
printed, &c.

*Resolved by the Senate, the House of Representatives concurring herein,* That the secretary of state cause eight hundred copies of the laws, passed at this session of the

general assembly, to be printed; five hundred copies to be stitched in pamphlet form, and covered with blue paper, for the distribution to the several counties of this state, and three hundred copies half bound, to be preserved by the secretary of state, to be bound with the laws of the next regular session of the general assembly.

*Resolved*, That the laws passed at this session be copied, Copying, &c. side notes made thereto, and indexed under the direction of the secretary of state, and at a cost per hundred words not exceeding the price fixed by law; and five hundred copies of the journals of each house be printed and distributed with Journals. the laws as above provided.

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STATE OF ILLINOIS,

*Office of Secretary State.*

I, HORACE S. COOLEY, secretary of state of the state of Illinois, hereby certify the foregoing to be true and perfect copies of the enrolled laws and joint resolutions deposited in this office; the words printed in brackets, thus, [ ] in the several laws in which they occur, not being in the enrolled laws, but are introduced in the printed laws for the purpose of correcting and explaining the same.

In testimony whereof, I have hereunto subscribed my name, at Springfield, this 26th day of November, 1849.

HORACE S. COOLEY,

*Secretary of State.*

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